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Attorneys for Defendants

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

JOHN MOSES,

Plaintiff,

v.

WAYFAIR LLC., DIRECTOR DAN
HUDSON, TALENT MANAGER: MAX
UNIMAN, HUMAN RESOURCE
MANAGER: SHELLIE WEBER, HUMAN
RESOURCE REP.: LINDA, 1st Shift
RECEIVING SUPERVISOR: TOM, 2nd Shift
RECEIVING SUPERVISOR: LUIS
RODIGUEZ, 2nd Shift RECEIVING
SUPERVISOR: CHRISTOPHER KEATS, 2nd
SHIFT BULK MANAGER: GERROD
SMITH, 2nd SHIFT BULK MANAGER:
DONALD LOVILL, ALL OTHER JOHN
DOES -100,

Defendants.

Civil Action No. 3:20-cv-05278-MAS-DEA

Return Date: February 6, 2023

**DEFENDANTS' NOTICE OF CROSS-MOTION FOR
ATTORNEYS' FEES AND COSTS**

PLEASE TAKE NOTICE that, upon the accompanying Declaration of Robert T. Szyba, Esq. dated January 23, 2023, together with Exhibits A and B annexed thereto, the accompanying Brief, and upon all of the papers and proceedings herein, Defendants Wayfair LLC, Dan Hudson, Max Uniman, Shellie Weber, Linda Herzstein, Tom Mitchell, Luis Rodriguez, Christopher Keats, Gerrod Smith, and Donald Lovill (collectively, "Defendants"), by and through their counsel,

Seyfarth Shaw LLP, will move this Court on February 23, 2023, before the Honorable Michael A. Shipp, United States District Judge, at the Clarkson S. Fisher Federal Building & United States Courthouse, 402 East State Street, Trenton, New Jersey 08608, for an order: (i) granting Defendants' cross-motion for attorneys' fees and costs; and (ii) for such other and further relief as the Court may deem just and proper.

PLEASE TAKE FURTHER NOTICE that, in accordance with Local Rule 7.1, Plaintiff John Moses' ("Plaintiff") reply papers, if any, are to be filed on or before January 30, 2023. This cross-motion is returnable February 6, 2023.

Respectfully Submitted,

SEYFARTH SHAW LLP

By: /s/ Robert T. Szyba

ROBERT T. SZYBA

*Attorneys for Defendants
Wayfair LLC, et al.*

Dated: January 23, 2023

CERTIFICATE OF SERVICE

I, Robert T. Szyba, Esq., hereby certify that on January 23, 2023, I electronically filed the foregoing NOTICE OF MOTION; SZYBA CERTIFICATION WITH EXHIBITS A THROUGH B; MEMORANDUM OF LAW IN SUPPORT OF DEFENDANTS' OPPOSITION TO PLAINTIFF'S MOTION TO PERMIT MORE DISCOVERY AND DEFENDANTS' CROSS-MOTION FOR ATTORNEYS' FEES; AND PROPOSED ORDER, via the Court's CM/ECF system, and served true and correct copies of the foregoing documents by FedEx priority overnight mail, postage prepaid, upon Plaintiff at the following address of record:

John Moses
844 Carteret Avenue
Trenton, NJ 08618

/s/ Robert T. Szyba
Robert T. Szyba

Dated: January 23, 2023